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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,091	09/05/2000	Johann Meseth	GR 98 P 3112	8366
24131 7590 07/31/2007 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER PALABRICA, RICARDO J	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/655,091

Applicant(s)

MESETH, JOHANN

Examiner

Rick Palabrica

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's 7/16/07 Amendment After Final, which traversed the rejection of the previous examiner's 4/23/07 final Office action, is acknowledged. The current examiner agrees that the amended claims in the 1/29/07 Amendment define over the applied art in said Office action. However, the claims still do not define over other prior art, as discussed below.

Accordingly, the current examiner withdraws the previous examiner's 4/23/07 office action and replaces it with this one.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7, 8, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaouditz et al. (U.S. 4,022,655), who disclose a containment vessel of a nuclear power plant.

Applicant's claim language reads on Gaouditz et al. as follows (see Fig. 1): a) "interior space" reads on intermediate space 10; b) "condensing chamber " reads on the chamber containing volume 11 of water; c) "pressure chamber" reads on first enclosure

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7; d) "condenser" reads on condenser coil 37; e) "condensing pipe" reads on duct 13; f) "drain pipe" reads on duct 14.

As to claims 1 and 15-20, note that duct 13 enables overflow of vapor from pressure chamber 7 to the condensing chamber containing volume 11 of water. Duct 13 enables overflow of vapor from pressure chamber 7 to the condensing chamber. Duct 14 fluidly connects the top region of pressure chamber 7 to the condensing chamber and this duct acts as a path for noncondensable gases at the top region of chamber 7, including trapped noncondensable air in the duct itself. Duct 14 is not connected to condenser 37, its upper end is disposed above the condenser and its bottom end is immersed in volume 11 of water in the condensing chamber.

As to claim 2, note that structure (33-36), as well as ducts 13, 14 and 15, tie regions inside the first enclosure 7 to the region within intermediate enclosure 10 (see col. 4, lines 27+). This tie between the regions of enclosures 7 and 10 becomes more pronounced during an accident when there is significant interaction of fluids in these regions. Thus, the duct 14 indirectly connects the region around condenser 37 to the condensing chamber, and such indirect connection configuration is not precluded by the claim

As to claims 3 and 4, duct 14 forms a permanently open flow path.

As to claims 7 and 8, note that the end of the condensing pipe (i.e., duct 13) is below the end of the drain pipe (i.e., duct 14):

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaouditz et al., either alone or in combination with Sawyer (U.S. 5,303,274). Gaouditz et al. teach applicant's claim limitations except for an external cooling basin for the condenser.

Gaouditz et al. teach a source for the cooling water for condenser 11. It would have been obvious to one of ordinary skill in the art to have an external cooling basin for Gaouditz et al.'s condenser to ensure a reliable source of cooling water, especially during an accident.

Alternatively, Sawyer teaches a source of water for an isolation condenser that is external to the containment. It is obvious that such external configuration provides protection of the water supply for the isolation condenser from being affected by accidental events within the containment.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include in the apparatus, as disclosed Gaouditz et al., by the teaching of Sawyer, to have an external cooling basin as water supply for

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condenser 11, to gain the advantages thereof (e.g., higher reliability), because such modification is no more than the use of well-known expedients within the nuclear art.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 571-272-6880. The examiner can normally be reached on 6:00-4:30, Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJP  
July 24, 2007

  
RICARDO J. PALABRICA  
PRIMARY EXAMINER